

***Fisheries Service Proposes New Approach to  
Protect West Coast Salmon, Steelhead***

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Breaking important new ground in the effort to encourage state and local salmon conservation efforts, the National Marine Fisheries Service said today it will propose rules for protecting "threatened" West Coast salmon and steelhead that will carve out major exceptions and make room for state and local salmon conservation initiatives.

The new approach, the Federal fisheries agency said, will reduce red tape, eliminate the need for Endangered Species Act-related permits for covered activities, broaden significantly the scope of conservation efforts for the fish and vastly increase people's flexibility in complying with the Endangered Species Act (ESA).

The proposed regulations, known as "4(d) rules," from the section of the Endangered Species Act that authorizes their use, will protect salmon and steelhead from California's Central Valley to Washington's Puget Sound. The rules, following the listing of 14 fish populations as "threatened" under the Endangered Species Act, would as a general matter prohibit anyone from harming protected fish or their habitat, known as "taking" under the Federal species-protection law.

"These proposals constitute a major innovation in the ESA program that will be good for the fish and good for the public," said William Stelle, head of the fisheries service's Northwest Region in Seattle. "By creating powerful incentives for local programs in place of Federal 'take' rules, we hope to broaden the scope of those conservation efforts and provide local governments with the option of going with home-grown solutions."

"Our customary approach to protecting salmon," added Stelle, "has been to issue broad 'boiler-plate' 4(d) rules that provided protection for fish, but provided no place for local programs in lieu of those rules. People who wanted protection from the take prohibitions were required to obtain permits on a permit-by-permit basis."

The draft rules would let the fisheries service allow limited harm to listed species for otherwise lawful acts so long as specific guidelines are followed to protect the overall health of the populations and their habitat. These guidelines are designed to complement efforts underway within each of the four western states (California, Oregon, Washington and Idaho) to protect salmon and steelhead and their habitats.

Under the proposed rules, restrictions would be placed on activities that could harm listed fish or their habitat, such as over fishing, poor hatchery practices, or ill-conceived development that degrades habitat and water quality.

But instead of imposing blanket restrictions against such "take," the proposed rules would allow exceptions, depending on qualifying existing state or local conservation programs. For example, timber management conducted in Washington state consistent with the recently enacted state forest and fish agreement would be exempted on the grounds that the state agreement alone provides the necessary fish protection. In Oregon, activities carried out in accordance with the state's department of transportation rules would be exempted as well.

The draft rules do not include conservation plans currently under development by several counties and cities around the central Puget Sound area in Washington state. The fisheries service said it expects to receive proposed conservation measures from this effort, led primarily by King, Pierce and Snohomish counties, by January. At that time, the Federal fish agency said, it will consider incorporating the measures into the proposed rules as the basis for incidental-take permits for economic development activities in Seattle, Tacoma, Everett and neighboring communities.

"This is an exciting innovation that demonstrates again the flexibility inherent in the ESA. Encouraging state and local conservation efforts is the best way to ensure that salmon are protected with minimal disruptions of economic activity," said Stelle. "These proposals reflect a bottom-up approach to that goal."

The fisheries service said it will solicit comments on the proposed rules for 60 days. The agency will also hold public hearings in Idaho, Washington, Oregon and California during January to gather comments on the proposals.

The proposed rules for steelhead must be made final and issued by June 19, 2000, under a court agreement. The agency said it expects the rules for the other salmon populations to be made final at about the same time.

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